

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

DataTern, Inc.,

Plaintiff,

vs.

Sun Microsystems, Inc., et al.,

Defendants.

*
*
*
*
*
*
*
*
*
*
*

Civil Action No. 2:08-CV-307-DF
PATENT CASE

ORDER OF DISMISSAL

Having considered the Stipulation of Dismissal submitted by Plaintiff DataTern, Inc. (“DataTern”) and Defendant Sun Microsystems, Inc. (“Sun”) (collectively, “the parties”), it is hereby ORDERED, ADJUDGED, and DECREED that all of DataTern’s claims for infringement that were or could have been asserted in this action with respect to any and all versions of TopLink Essentials, EclipseLink, and the Java Persistence API, as well as any other products made, used, offered for sale, sold, or imported by Sun for which sufficient information to allege infringement of U.S. Patent No. 6,101,502 was publicly available at the time DataTern served its Infringement Contentions in this action are dismissed with prejudice.

It is further ORDERED that all other claims and counterclaims that were or could have been asserted by the parties in this action are dismissed without prejudice.

It is further ORDERED that all motions pending in this action are withdrawn as moot.

It is further ORDERED that each party will bear its own fees and costs.

SIGNED this 29th day of June, 2009.



DAVID FOLSOM
UNITED STATES DISTRICT JUDGE